

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

No. 7:16-CR-120-D

No. 7:21-CV-215-D

DAVID ELIJAH SMITH,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

ORDER

For the reasons stated in respondent's memorandum in support of its motion to dismiss [D.E. 666], the court GRANTS respondent's motion to dismiss [D.E. 665], DISMISSES petitioner's motion to vacate [D.E. 653], and DENIES a certificate of appealability. See 28 U.S.C. § 2253(c); Miller-El v. Cockrell, 537 U.S. 322, 336–38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000).

SO ORDERED. This 31 day of May, 2022.


JAMES C. DEVER III
United States District Judge